

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTEL AND CARMELITA CLARK,

Plaintiffs,

vs.

No. CIV 04-0743 RB/ACT

**THE STATE OF MICHIGAN DEPARTMENT
OF ATTORNEY GENERAL; MIKE COX;
JAMES E. LONG; DEPARTMENT OF
CORPORATION COUNSEL; AZZAM E. ELDER;
AARON C. THOMAS; THE STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT COURT; CATHY M.
GARRETT; JOHNNIE JOHNSON; LYN WATSON;**

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on Plaintiffs' Motion for Immediate Consideration for Appointment of Civil Pro Bono Counsel (Doc. 32), filed on September 30, 2004. Having considered the submissions of the parties and the relevant law, I find that this motion should be denied.

When determining whether to appoint pro bono counsel in a civil rights case, a district court should consider "the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims." *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). I have reviewed the complaint and subsequent filings of Plaintiffs in light of the foregoing factors.

The named Defendants reside in Michigan and the underlying events occurred there. The legal issues surrounding lack of personal and subject matter jurisdiction raised in Defendants' dispositive motions are not complex. Although Plaintiffs' documents may be "inexpertly drawn," *Pyle v. Kansas*, 317 U.S. 213, 216 (1942), Plaintiffs appear to understand the issues in the case and

to be representing themselves in an intelligent and capable manner. *See Lucero v. Gunter*, 52 F.3d 874, 878 (10th Cir. 1995).

WHEREFORE,

IT IS ORDERED that Plaintiffs' Motion for Immediate Consideration for Appointment of Civil Pro Bono Counsel (Doc. 32), filed on September 30, 2004, is **DENIED**.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE